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NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the Security Council a report submitted by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991).

Annex

Letter dated 11 October 1993 from the Executive Chairman of the Special Commission addressed to the Secretary-General

I have the honour to transmit herewith a report signed in Baghdad on 8 October 1993 by representatives of Iraq, the Special Commission and the International Atomic Energy Agency (IAEA). The report is the outcome of talks held from 2 to 8 October 1993 with the highest levels of the Government of Iraq.

These latest talks were a follow-up to those held in Baghdad from 15 to 19 July 1993 between the Deputy Prime Minister of Iraq, Mr. Tariq Aziz, and the Executive Chairman of the Special Commission (S/26127) and to high-level technical talks held in New York from 31 August to 10 September 1993 between, on the one hand, representatives of the Special Commission and IAEA and, on the other, representatives of Iraq (S/26451).

The enclosed report on the most recent round of talks contains three sections. Section I was prepared in the course of discussions between the Executive Chairman of the Special Commission and the Deputy Prime Minister of Iraq and section II in discussions between the Deputy Prime Minister and the IAEA Action Team Leader who had been designated as his personal representative by the Director General of the Agency. Section III contains the decision to resume further talks between Iraq and the Special Commission in New York in mid-November 1993.

I would be most grateful if the present letter and its enclosure could be circulated as a document of the Security Council.

(Signed) Rolf EKEUS
Executive Chairman

Appendix

Report on the high-level talks held in Baghdad from 2 to 8 October 1993

INTRODUCTION

1. In July 1993 the Executive Chairman of the Special Commission visited Baghdad, in the course of which he met the highest levels of the Iraqi Government (S/26127). A follow-up to these meetings, in the form of high-level technical talks, in which the Special Commission, IAEA and Iraqi representatives participated, took place in New York from 31 August to 10 September 1993 (S/26451). Based on the outcome of these talks, technical experts from the Special Commission arrived in Baghdad on 27 September 1993 in order to receive data identified in New York as remaining to be provided and promised by Iraq and, on 1 October 1993, the Executive Chairman of the Special Commission arrived in Baghdad to continue the talks at the highest level. These talks commenced on 2 October, with the participation of representatives of IAEA, and ended on 8 October 1993. During this period, a number of plenary meetings were held, as well as private meetings between the Deputy Prime Minister of Iraq, Mr. Tariq Aziz, and the Executive Chairman of the Special Commission and separately with the IAEA Action Team Leader, and between the Director of the Iraqi Military Industrialization Corporation, General Amer M. Rasheed, and the Executive Chairman and separately with the action Team Leader. The list of the delegations to the talks will be found in attachment I.

2. The delegations participating in the talks agreed that they should resume where the previous talks had ended. In that respect, the Deputy Prime Minister of Iraq reaffirmed the position of Iraq on all the issues in the paper which he had provided to the Executive Chairman in July (S/26127), and the Executive Chairman reaffirmed the statements made and undertakings given in his position paper delivered in July (S/26127) and in the report on the high-level technical talks in New York in September.

3. The present report summarizes the proceedings of the most recent talks and records the progress made. Section I deals with the ballistic, biological and chemical aspects and section II the nuclear aspects.

I. BALLISTIC, BIOLOGICAL AND CHEMICAL ASPECTS

A. Outstanding issues

4. It was understood in the New York talks that, when Iraq addressed in a satisfactory manner the issues referred to in annex I to the report of those talks and information provided by it was independently verified where necessary, the Commission and IAEA would be in a position to conclude that Iraq had completed the actions necessary to bring it into compliance with paragraphs 8, 9, 11, 12 and 13 of resolution 687 (1991).

5. The Commission considers that, in the course of the current Baghdad session, considerable and substantial progress has been made in the provision of

information by Iraq in the chemical, biological and ballistic missile areas of its programmes proscribed by Security Council resolution 687 (1991). Gaps identified during the high-level technical talks in New York have substantially been filled. Iraq has explained that much of the documentation concerning those programmes has been destroyed and hence it is unable to provide certain details required by the Commission and IAEA. However, this does not detract from the conclusion of the Commission indicated above.

6. With the provision by Iraq of the necessary information on critical foreign suppliers as defined in annex I to document S/26451 (see attachment II) and upon its verification as necessary, the Commission can conclude as follows:

(a) In the light of the totality of the information available to the Commission in the ballistic and biological areas, Iraq has fully discharged its obligations to provide information in relation to its past activities in these areas. The Commission and the competent Iraqi officials will follow up on details, if any, of the supplementary information provided in Baghdad, when the Commission deems further clarification necessary. The Commission, therefore, could state that Iraq has discharged its obligation, in compliance with paragraphs 8 and 9 (a) of Security Council resolution 687 (1991), to provide the information necessary to constitute full, final and complete disclosures of its past proscribed programmes in these areas;

(b) That the substantial supplementary information provided by Iraq in Baghdad on the chemical area covered the full process of chemical weapons production, namely the quantities of precursors imported, the quantities of agent produced, the quantities, types and capacities of equipment acquired for agent production, the quantities of chemical munitions produced or imported and the quantities of munitions filled, by agent. It was explained, in a manner satisfactory to the Commission, that, with the exception of the quantity of agents, munitions and production equipment seen and destroyed by the Commission's inspection teams, all the chemical assets had been either destroyed or otherwise disposed of. The information provided would be used by the Commission solely for the purposes of resolution 687 (1991). The initial assessment of the Commission's experts in Baghdad was that those data provided a credible account of Iraq's chemical weapons programme and its disposal and no further questions arose at the present stage. However, the experts needed to return to the Commission's headquarters in New York in order to verify, assess and confirm the numbers and the additional information that had been provided. The Commission would use its best endeavours to present its final assessment of the supplementary data within a two-week period, or as shortly as possible thereafter. The Commission hopes that that assessment would enable it, in the chemical area, to make the same determination as it has done above in relation to the ballistic and biological areas.

B. Ongoing monitoring and verification

(a) Resolution 715 (1991)

7. During the talks, the Iraqi side expressed its position as follows:

(a) The information, declarations and answers previously presented by Iraq during the years 1991, 1992, 1993 and during the high-level technical talks that were held in New York from 31 August to 10 September 1993, as well as in the second round of the talks that were held in Baghdad before and during Ambassador Rolf Ekéus' visit from 2 to 8 October 1993 and the actions it had undertaken during such period represent a full and complete implementation of Iraq's obligations under paragraphs 8, 9, 11, 12 and 13 of resolution 687 (1991);

(b) Iraq deeply believes that, by implementing its obligations under section C of resolution 687 (1991) and in particular paragraphs 8, 9, 11, 12 and 13 in the manner mentioned in subparagraph (a) above, and by Iraq's formal acceptance (at the appropriate time) of the plans for ongoing monitoring approved by the Council in resolution 715 (1991) as agreed upon between Iraq and the Special Commission and IAEA as well as its formal acceptance of the initiation of the implementation of the plans by the Special Commission and IAEA, the Security Council should consider it sufficient to take the decision on the immediate implementation of paragraph 22 of resolution 687 (1991) without any obstructions, restrictions or additional conditions;

(c) Iraq is ready to declare its formal acceptance of the plans for ongoing monitoring in accordance with resolution 715 (1991) and the implementation thereof when it becomes clear to it that the obligations of the Security Council vis-à-vis Iraq under the Security Council resolutions and especially paragraph 22 of resolution 687 (1991) would be implemented fully without obstructions, restrictions or additional conditions;

(d) After the initiation of the implementation of the plans for ongoing monitoring and in the light of the implementation by the Security Council of its obligations vis-à-vis Iraq in accordance with the resolutions of the Council, and especially paragraph 22 of resolution 687 (1991), Iraq would have no objection, when the need arises, against carrying out inspection or verification operations by the Special Commission and IAEA found necessary by them;

(e) The issue of confidence-building during the implementation of ongoing monitoring and the possible verification of any piece of information could be solved in a constructive and professional manner. Therefore, it should not be an obstacle to the implementation of paragraph 22. Iraq on its part affirms that it will abide scrupulously by all matters pertaining to monitoring as agreed upon between it and the Special Commission and IAEA. The Security Council can, in the case where circumstances obstructing the implementation of ongoing monitoring exist, take measures proportionate to these circumstances;

(f) Being desirous to affirm its constructive position regarding the question of monitoring and in order to shorten the preparatory period for the formal initiation of ongoing monitoring, Iraq, and without prejudice to its position stated in subparagraph (c) above, is ready immediately to present the declarations and the information requested by the Special Commission and IAEA to complete the baseline information of the sites to be subjected to monitoring.

8. The Commission explained that the most expeditious way for Iraq to achieve its desired objective of obtaining from the Security Council its agreement, under paragraph 22 of resolution 687 (1991), that Iraq was in compliance with

the relevant paragraphs of section C of resolution 687 (1991) was for Iraq to provide immediately the formal acknowledgement of its obligations under resolution 715 (1991) and the plans approved thereunder. The Commission could then immediately initiate full-scale ongoing monitoring and verification with the aim of getting to the stage where the plans are up and running within the briefest possible time. The framework within which the Commission operated required it to proceed in this manner:

(a) Resolutions 687 (1991), 707 (1991) and 715 (1991), in respect of the weapons of mass destruction provisions, constituted an indissoluble whole. Their implementation was not sequential, and the various stages contained in resolutions 687 (1991) and 715 (1991) overlapped;

(b) Resolution 715 (1991) was a mandatory resolution adopted unanimously by the Security Council under Chapter VII of the Charter and was thus automatically binding on Member States from the date of its adoption on 11 October 1991. While there was thus no issue of acceptance, Iraq's formal acknowledgement of its obligations under the resolution and the plans was a precondition for undertaking effective monitoring on the territory of Iraq, in compliance with the requirements of the plans, with clearly defined rights, and the assurance of continuity. Iraq's delay in providing that acknowledgement had effectively blocked the initiation of monitoring since October 1991;

(c) The Commission also pointed out that the Security Council had found that Iraq's prior acknowledgement was one of the essential preconditions to the consideration by the Security Council of lifting sanctions and the embargo under paragraphs 21 and 22 of resolution 687 (1991) (S/23609);

(d) As a subsidiary organ of the Security Council, the Special Commission was bound to operate within the framework established and the views officially expressed by the Council. It could not therefore undertake full-scale initiation of ongoing monitoring and verification without the Council first receiving Iraq's formal acknowledgement of its obligations under resolution 715 (1991), unless the Council directed otherwise.

9. The Commission noted Iraq's offer, stated in paragraph 7 above, to provide declarations prior to its formal acknowledgement of its obligations under resolution 715 (1991) and the plans approved thereunder. While welcoming that gesture, the Commission pointed out that, in order to achieve full legal value and credibility, declarations should be submitted formally under resolution 715 (1991) and the plans. Furthermore, to be fully effective, baseline inspections and monitoring and verification activities have to be carried out under the acknowledged regime established by resolution 715 (1991). The real solution to this problem is for Iraq to provide immediately its formal acknowledgement of resolution 715 (1991).

(b) Implementation of the plan

10. Iraq again raised its concerns in relation to the implementation of the plan for ongoing monitoring and verification, namely, that Iraqi aerial assets should replace those of the Commission, that Iraq's scientific, technical and economic development should not be hindered and that there should be amendment of the methods used to implement the plans over time to bring them in line with

the methods used in international agreements and conventions currently in force. The Commission confirmed its position as summarized in paragraphs 4 and 5 of its July position paper (S/26127), and in annex II, section A, of the September report (S/26451).

(c) Periodic reviews

11. The Commission and Iraq had agreed in principle to undertake periodic reviews of ongoing monitoring and verification, particularly with regard to the issues mentioned in paragraph 10 above. They now agree that a first such review could be held three months after the formal initiation of the plan for monitoring and verification, to be followed regularly, during the initial period of implementation, approximately every third month or at such intervals as they would agree upon.

12. The plan itself may only be revised by the Security Council. The Commission considers that the annexes to the plan should be revised as and when it is necessary, in the light of experience and information gained in the conduct of monitoring and verification. Reviews of the provisions of the plan should, in general, be held in line with such need.

(d) Inspection rights

13. The delegation of Iraq stated that, after the implementation of paragraph 22 of resolution 687 (1991), in addition to the conduct of ongoing monitoring and verification under the Security Council resolutions, the Special Commission and IAEA could undertake, when the need arises, immediate on-site inspections. The Commission welcomed that statement. These inspections would be conducted and any actions taken in accordance with the relevant Security Council resolutions.

II. NUCLEAR ASPECTS

A. Introduction

14. IAEA is confident that the essential elements of Iraq's nuclear weapons programme are understood and have been dismantled. The remaining outstanding issues for compliance with paragraphs 11, 12 and 13 of Security Council resolution 687 (1991) relate to procurement and official acceptance of the ongoing monitoring and verification plan approved by Security Council resolution 715 (1991).

B. Technical compliance

15. Iraq has now provided IAEA with critical information regarding suppliers of prohibited and other materials and sources of technical advice. The information appears to be complete and verifiable. This information will be verified in the course of the next few weeks. With the provision of this information, Iraq has now complied with all disclosure requirements concerning its previous nuclear weapons programme as contained in resolutions 687 (1991) and 707 (1991).

C. Implementation of the ongoing monitoring and verification plan

16. IAEA has phased in elements of its plan over the last 15 months. Iraq is aware of all the elements of this plan including:

(a) Environmental sampling of air, water and surfaces;

(b) Inspection of known sites relevant to the past nuclear programme and sites with potential to support a nuclear weapons programme;

(c) Inspection of new sites which may be identified in the future;

(d) Control of allowed nuclear materials and dual-use technical equipment;

(e) Imagery;

(f) Surveillance equipment/use of sensors.

17. The majority of information needed to implement fully the plan is at hand - both sides are aware of the information still needed to complete the requirements of annex 2 and annex 3 of the IAEA plan.

18. IAEA is satisfied that the plan has so far been implemented properly and will add or subtract elements as conditions require.

D. Statement on compliance

19. With Iraq's formal acceptance of the plans in Security Council resolution 715 (1991), which lays out terms, conditions and IAEA rights under the ongoing monitoring and verification plan, IAEA would be satisfied that Iraq has complied with the conditions set down in paragraphs 11, 12 and 13 of section C of resolution 687 (1991) and would accordingly report to the Security Council. Possible additional disclosures or discoveries would be dealt with during the ongoing monitoring and verification phase.

III. CONCLUSION

20. The two sides have decided to have a high-level meeting in mid-November 1993 in New York.

(Signed) Amer Muhammad RASHID
Director, Military Industrialization
Corporation of Iraq

(Signed) Rolf EKEUS
Executive Chairman
Special Commission

(Signed) Maurizio ZIFFERERO
Leader, IAEA Action Team

Attachment I

Delegation of Iraq

1. H.E. Mr. Tariq Aziz
   Deputy Prime Minister

2. General Amer Muhammad Rashid
   Director, Military Industrialization Corporation

3. Mr. Saad A. Alfaisal
   Senior Under-Secretary
   Ministry of Foreign Affairs

4. Mr. Riyadh Al-Qaysi
   Under-Secretary
   Ministry of Foreign Affairs

5. Mr. Abdul Halim Al-Hijaj
   Vice-Chairman
   Iraqi Atomic Energy Commission

6. Mr. Bassam Kubaa
   Ambassador
   Ministry of Foreign Affairs

7. Mr. Hossam Muhammad Amin
   Military Industrialization Corporation

8. Mr. Saeed H. Al-Musawi
   Minister Plenipotentiary
   Ministry of Foreign Affairs

9. Mr. Samir K. Al-Nima
   Minister Plenipotentiary
   Ministry of Foreign Affairs

10. Mr. Sami Sadoon
    Chef de Cabinet of the Deputy Prime Minister

Delegation of the Special Commission and IAEA

Special Commission	IAEA
Ambassador Rolf Ekéus	Professor Maurizio Zifferero
Mr. John F. Scott	Mr. Robert Kelley
Mr. Tim Trevan	
Ms. Lydie Gerard	
Ms. Olivia Platon	

Attachment II

Letter dated 8 October 1993 from the IAEA Action Team Leader and the Executive Chairman of the Special Commission addressed to the Foreign Minister of Iraq

In view of the fact that Iraq has provided the information required by the Special Commission and IAEA on critical foreign suppliers as defined in document S/26451, annex I, the Commission and IAEA hereby declare that they will use the said information solely in order to identify all the elements of Iraq's previous programmes in the proscribed fields, to clarify related technical and scientific issues for the purposes of resolution 687 (1991), and to assist the Commission and IAEA in the planning and conduct of ongoing monitoring and verification. The information will be treated as confidential and will not be published. The Commission and IAEA will, in conformity with their usual practice, require all those having access to the information to respect this confidentiality and to use it solely for the purpose just identified.